

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

-v-

HECTOR VILLANUEVA,

Defendant.

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18 Cr. 481 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On December 3, 2020, Defendant Hector Villanueva, proceeding *pro se*, filed a motion for compassionate release. Dkt. 70. The Government filed an opposition brief on January 13, 2021. Dkt. 72 (“Opposition”). This case was reassigned to the undersigned on August 2, 2021.

By September 3, 2021, the Government shall submit a supplemental letter brief, along with any necessary declarations and exhibits, with regard to the following issues:

1. The Government argues that Defendant failed to exhaust his administrative remedies. *See* Opposition at 9. Because several months have passed since the Government submitted its brief, the Government shall indicate: (1) whether Defendant still has failed to exhaust his administrative remedies; and (2) whether the Government continues to rely on this argument. If the Government wishes to continue to advance this argument, it should submit evidence from the Bureau of Prisons, appropriately authenticated, indicating whether Defendant has exhausted his administrative remedies. Statements in a brief reflecting what the Bureau of Prisons officials supposedly have conveyed to the Government will not be sufficient.


2. In its Opposition, the Government cites statements from Defendant's sentencing before the Honorable William H. Pauley, III on April 8, 2019. *See id.* at 18. That transcript is not available on the public docket. The Government should provide a copy of the sentencing transcript. Promptly after filing, the Government shall serve Defendant with its September 3, 2021 submission. Defendant shall file any opposition to the Government's submission no later than September 24, 2021.

The Clerk of the Court is respectfully directed to mail a copy of the Government's Opposition at Docket Number 72 and a copy of this Order to Defendant at:

Hector Villanueva
Reg. No. 30539-054
FCI Fort Dix
Federal Correctional Institution
P.O. Box 2000
Joint Base MDL, NJ 08640

SO ORDERED.

Dated: August 27, 2021
New York, New York



JOHN P. CRONAN
United States District Judge